

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DARREN IRVINE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:23-cv-40-DPJ-FKB

MELISSA McCARTER, Major;
BILLY SOLLIE, Sheriff;
NURSE MARY JOE “UNKNOWN;”
NURSE DAPHNE “UNKNOWN;” and
WENDY “LAST NAME UNKNOWN,” Nurse Practitioner

DEFENDANTS

ORDER DIRECTING CLERK TO EDIT NAMES OF DEFENDANTS AND TO ISSUE
SUMMONS FOR DEFENDANTS NURSE MARY JOE “UNKNOWN;”
NURSE DAPHNE “UNKNOWN;”
and WENDY “LAST NAME UNKNOWN,” NURSE PRACTITIONER

This matter is before the Court sua sponte. Irvine is proceeding in forma pauperis, and brings this Complaint challenging the conditions of his confinement while housed at Lauderdale County Jail pursuant to 42 U.S.C. § 1983.¹

On April 3, 2023, an Order [10] was entered directing Defendants Nurse Mary Joe “Unknown,” Nurse Daphne “Unknown,” and Nurse Practitioner Wendy “Last Name Unknown” to file a signed Waiver form or Response within 30 days. Order [10] at 2. A review of the record reveals that these Defendants have not filed a Waiver or any type of response. The Clerk therefore will be directed to issue a separate summons for Defendant Nurse Mary Joe “Unknown,” Defendant Nurse Daphne “Unknown,” and Defendant Nurse Practitioner Wendy “Last Name Unknown” at Lauderdale County Detention Facility, 2001 5th Street, Meridian,

¹On March 31, 2023, an Order [9] was entered severing Irvine’s habeas claims and directing the Clerk to open a new § 2241 civil action for Irvine to pursue his habeas claims in that case. See *Irvine v. McCarthy*, Civil Action No. 3:23-cv-220-KHJ-MTP.

Mississippi 39301, the United States Marshal Service will be directed to serve the summons on Defendants, and the United States Marshal Service is directed to file the returns to the Clerk's Office, 501 E. Court Street, Suite 2.500, Jackson, Mississippi, **on or before July 3, 2023.**

ORDERED:

1. That the Clerk edit the name of Defendants Major "Unknown" McCarthy to Melissa McCarter, Major, and Billie Sollie to Billy Sollie, Sheriff, as reflected by Defendant's Answer [20].

2. That the Clerk is directed to issue summons to Defendant Nurse Mary Joe "Unknown," Defendant Nurse Daphne "Unknown," and Defendant Nurse Practitioner Wendy "Last Name Unknown" at Lauderdale County Detention Facility, 2001 5th Street, Meridian, Mississippi 39301.

3. That Defendant Nurse Mary Joe "Unknown," Defendant Nurse Daphne "Unknown," and Defendant Nurse Practitioner Wendy "Last Name Unknown" are required to file a response to the Complaint. The Clerk is directed to attach a copy of the Complaint [1], a copy of the Order [6] entered on February 21, 2023, a copy of Plaintiff's Response [7] filed on March 13, 2023, a copy of the Court's Order [8] entered on March 30, 2023, and a copy of this Order, along with the summons to be served on the named Defendants by the United States Marshal. The United States Marshal shall serve the same pursuant to 28 U.S.C. § 1915(d) and the United States Marshal Service is directed to **file the return with the Clerk's Office, 501 E. Court Street, Suite 2.500, Jackson, Mississippi, on or before July 3, 2023.**

4. That each Defendant must file an answer or other responsive pleading in this cause in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

5. That as provided for in the Federal Rules of Civil Procedure, discovery is stayed until further order of this Court.

Plaintiff should understand that this Order allowing process to issue against the above-named Defendants does not reflect any opinion of this Court that the claims contained in the Complaint will or will not be determined to be meritorious.

It is Plaintiff's responsibility to prosecute this case. Failure to advise the Court of a change of address or failure to comply with any Order of the Court will be deemed as a purposeful delay and contumacious act by Plaintiff and may result in the dismissal of this case.

SO ORDERED, this the 1st day of June, 2023.

s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE